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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/554,593	10/26/2005	Masaki Hirakata	125746	6661	
25944 OLIFF & BER	7590 04/08/2008 PRIDGE PLC	EXAMINER			
P.O. BOX 320	850	MILLER, DANIEL H			
ALEXANDRI	A, VA 22320-4850	ART UNIT	PAPER NUMBER		
			1794		
			MAIL DATE	DELIVERY MODE	
			04/08/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/554,593	HIRAKATA ET AL.		
Examiner	Art Unit		
DANIEL MILLER	1794		

-The MALING DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 14 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (1) in continuous development of the following time pariods: a) ☑ The period for reply expires 4_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. b) ☐ the period for reply expires 4_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires 4_months from the mailing date of the final rejection. Examiner Note: If too it is checked, check either box (2) or (5) ONLY CHECK BXOK (b) WHEN THEF FIRST REPLY WAS FILED WITHIN TWO Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee burder 37 CFR 1.137(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in the 30 CFR 1.137(a). The date on which the petition under 37 CFR 4.137(a) is accusted from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in the final office action; or (2) as set forth in the final office action; or (2) as set forth in the final office action;		DANIEL MILLER	1794					
 1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, afficiant, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1.14. The reply must be filed within one of the following time periods: a) The period for reply expires on: (1) the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ON/THS from the mailing date of the final rejection. Examiner Note: If box 1 is checked the proposed date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a). The proposed amendment of the petition of the	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires of the mailing date of the final rejection. b) The period for reply expires of (1) the mailing date of the final rejection. ceamer Note: (1box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP POS.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension the maintain of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final office action; or (2) as the fore the filed within the order of the filed within two months of the date of filing the Notice of Appeal as feed of the filed of the filed within the time period set forth in 37 CFR 41.37(a). A	THE REPLY FILED 14 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
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MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.178(a) activate for file file feet from the feet of the feet of appeal and for the file of the feet of appeal and feet of filing the Notice of Appeal and seen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS AMENDMENTS AMENDMENTS AMENDMENTS AND The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)). The amendments are not in compliance with 37 CFR 1.12: See attached Notice of Non-Compliant Amendment (PTOL-324). The amendments are not in compliance with 37 CFR 1.12: See attached Notice of Non-Compliant Amendment (PTOL-324). The amendments are proposed or amended claims would be rejection (s): Would be allowable if submitt	no event, however, will the statutory period for reply expire la	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
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2 ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3 ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They raise the issue of new matter (see NOTE below); (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet: (see 37 CFR 1.116 and 41.33(a)). Applicant's reply has overcome the following rejection(s):	have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 3° CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 3° CFR 1.70(4).							
Riling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AM		liance with 37 CER 41 37 must be t	iled within two month	of the date of				
3. ☑ The proposed amendment(s) flide after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeals, and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet (See 37 CPR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): ☐ Non-Reproses of appeal, the proposed or amended claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) elipided to: ☐ Claim(s) eli	filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a							
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Claim(s) rejected: <u>1.19</u> . Claim(s) withdrawn from consideration: <u>20-56</u> . AFFIDA/NT OR OTHER EVIDENCE S The fillowith or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence filed the overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with it is necessary and was not earlier presented. See 37 CFR 1.30(ft). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See notes on non entry of after final amendment. Note the aftached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). The state of the state	The status of the claim(s) is (or will be) as follows: Claim(s) allowed:							
AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with it is necessary and was not earlier presented. See 37 CFR 1.3(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER. 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See notes on non entry of after final amendment. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).	Claim(s) rejected: 1-19.							
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all ejections under appeal and/or appellant files to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER. 11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See notes on non entry of after final amendment. 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)								
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12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. ☐ Other:	11. 🔯 The request for reconsideration has been considered but does NOT place the application in condition for allowance because:							
	12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).							
	/KEITH D. HENDRICKS/							

Supervisory Patent Examiner, Art Unit 1794

U.S. Patent and Trademark Office

Continuation of 3. NOTE: The amendments add new limitations that change the claimed structural relationship of the carbon nanotubes, requiring a new search. The rejections remain for the reasons of record.